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Counsel for Plaintiff Sonoro Invest S.A.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SONORO INVEST S.A., a Panamanian
corporation,

Plaintiff,

v.

ROBERT MILLER, an individual; ANDREW
SHERMAN, an individual; COSTAS TAKKAS, an
individual; and STEPHEN GOSS, an individual,

Defendants,

and

ABAKAN, INC., a Nevada corporation,

Nominal Defendant.

Case No. 2:15-cv-2286

**STIPULATION AND
[PROPOSED] ORDER
TO STAY ALL DEADLINES
IN THE SCHEDULING ORDER
DUE TO A PENDING SETTLEMENT**

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Plaintiff Sonoro Invest S.A. (“Sonoro”) and Defendants Robert Miller (“Miller”), Andrew Sherman (“Sherman”), Costas Takkas (“Takkas”), and Stephen Goss (“Goss”) (collectively, the “Parties”), by and through their respective counsel, submit this Stipulation to stay all current deadlines in the operative Scheduling Order (ECF No. 145) due to a pending settlement.

1. On July 17, 2017, the Parties executed a Binding Term Sheet for Settlement (“Binding Term Sheet”) that is intended to resolve any and all claims between the Parties.

2. Pursuant to the terms of the Binding Term Sheet, the Parties must submit a joint request to the Court to stay this action for thirty (30) days in order to draft and execute a longer-form definitive agreement (“Long-Form Agreement”), and to seek Court approval thereof.¹

3. The Parties intend to seek approval by the Court of the Long-Form Agreement, or the Binding Term Sheet, as the case may be, pursuant to Fed.R.Civ.P. 23.1(c). Upon Court approval, Sonoro will dismiss, with prejudice, the above-captioned action.

4. The current deadlines in the Scheduling Order (ECF No. 145) are as follows:

- i. Amending the Pleadings and Adding Parties – November 2, 2017
- ii. Interim Status Report – December 1, 2017
- iii. Expert Disclosures – December 1, 2017
- iv. Rebuttal Expert Disclosures – January 9, 2018
- v. Discovery Cut-Off – January 30, 2018
- vi. Dispositive Motions – March 1, 2018
- vii. Pretrial Order – April 2, 2018

5. In compliance with the Binding Term Sheet, the Parties stipulate and agree to stay this action, including the above-referenced deadlines and all discovery, in order to provide sufficient time to effectuate the settlement.

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¹ Pursuant to the terms of the Binding Term Sheet, if the parties are unable to execute a Long-Form Agreement within such time, the Binding Term Sheet shall be the final, binding settlement agreement between the Parties which shall be submitted to the Court for approval.

6. In the unlikely event the Parties are unable to effectuate the settlement, they will jointly seek the entry of a new scheduling order.

Respectfully submitted,

Dated: July 18, 2017

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| <p>By: <u>/s/ Michael A. Kolcun</u></p> <p>David Marder, Esq. (<i>pro hac vice</i>) Sherli Furst, Esq. (<i>pro hac vice</i>) Michael A. Kolcun, Esq. (<i>pro hac vice</i>) ROBINS KAPLAN LLP 399 Park Avenue, Suite 3600 New York, New York 10022-4611 Telephone: (212) 980-7400 Facsimile: (212) 980-7499 DMarder@RobinsKaplan.com SFurst@RobinsKaplan.com MKolcun@RobinsKaplan.com</p> <p>James Patrick Shea, Esq. Scott D. Fleming, Esq. Armstrong Teasdale LLP 3770 Howard Hughes Parkway, Suite 200 Las Vegas, NV 89169 Main: (702) 678-5070 Direct: (702) 473-7079 Cellular: (702) 743-6263 JShea@ArmstrongTeasdale.com SFleming@ArmstrongTeasdale.com <i>Counsel for Plaintiff Sonoro Invest S.A.</i></p> | <p><u>/s/ Christina C. Tizzano</u></p> <p>Christina C. Tizzano, Esq. (<i>pro hac vice</i>) The Chilcote Law Firm LLP The Cedar-Grandview Building 12434 Cedar Road, Suite Number 3 Cleveland Heights, Ohio 44106 Telephone: (216) 795-4117 Facsimile: (216) 795-4245 christina.tizzano@chilcotelaw.com</p> <p>Patrick J. Reilly, Esq. (6103) Andrea M. Champion, Esq. (13461) Holland & Hart LLP 9555 Hillwood Drive, Second Floor Las Vegas, Nevada 89134 Tel: (702) 669-4600 Fax: (702) 669-4650 preilly@hollandhart.com amchampion@hollandhart.com <i>Attorneys for Defendant Andrew J. Sherman</i></p> |
| <p><u>/s/ Adam Jacob Yormack</u></p> <p>Adam Jacob Yormack, Esq. (<i>pro hac vice</i>) Yormack, PA 2525 Ponce De Leon, Suite 300 Coral Gables, FL 33134 Tel: (303) 919-4231 adam.yormack@yormackpa.com</p> <p>Kirill Mikhaylov, Esq. Hall Prangle & Schoonveld LLC 1160 N Town Center Dr Ste 200 Las Vegas, NV 89144 Tel: (702) 889-6400 Facsimile: (702) 384-6025 kmikhaylov@hpslaw.com <i>Attorneys for Defendant Robert Miller</i></p> | <p><u>/s/ Mark D. Hunter</u></p> <p>Mark D. Hunter, Esq. (<i>pro hac vice</i>) Hunter Taubman Fischer LLC 255 University Dr Coral Gables, FL 33134 Telephone: (305) 629-8816 mhunter@htflawyers.com</p> <p>Maximiliano D. Couvillier, III, Esq. Black & LoBello 10777 West Twain Ave., Ste. 300 Las Vegas, NV 89135 Telephone: (702) 869-8801 Facsimile: (702) 869-2669 mcouvillier@blacklobello.law <i>Attorneys for Defendant Costas Takkas</i></p> |

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on all parties of record via ECF on this 18th day of July, 2017.

By: /s/ Jessica Myrold
Jessica Myrold

IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: July 19, 2017